

OGC 61-0651

OGC Has Reviewed

19 April 1961

MEMORANDUM FOR: Chief, FE Division

ATTENTION :

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SUBJECT : Partial Analysis of Certain Singapore Criminal Laws

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1. The Preservation of Public Security Ordinance of 1955, which [ ] says is now in force, is named in the traffic as the law under which the two men are being retained. Section 3, Subsections (1) and (3) provided that if the Governor in Council "is satisfied with respect to any person that, with a view to preventing that person from acting in any manner prejudicial to the security of Malaya or the maintenance of public order therein or the maintenance therein of essential services, it is necessary so to do," the Chief Secretary may issue an order directing that the person involved be detained, or imposing less severe restrictions on his movements "for any period not exceeding two years." Any police officer may, without warrant, arrest and detain any person

"in respect of whom he has reason to believe--

- "(a) there are grounds which would justify his detention under section 3 of this Ordinance;
- "(b) that he has acted or is about to act or is likely to act in any manner prejudicial to the public safety or the maintenance of public order."

However, no person may be so detained for more than forty-eight hours provided

"that if an officer of or above the rank of Superintendent of Police is satisfied that the necessary enquiries cannot be completed within the aforesaid period of forty-eight hours he may authorise the further detention of such person for an additional period not exceeding fourteen days. . . . "

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In the instant case, the above language should permit detention to  
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2. The Ordinance also provides at Section 22 that anyone who contravenes or fails to comply with any provision of the Ordinance or any rule or order made thereunder shall be guilty of an offense against this Ordinance. The same section and Section 23 permit the imposition of penalty of up to three or five years and a fine. There are several references to offenses arising out of subversive activities, in Sections 25, 26 and 27, but it does not appear that the Ordinance prescribes any such offenses or provides for their punishment.

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Assistant General Counsel

OGC/PHL:noc

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